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LAWYERS

E-Filed: 9/26/07

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3 4 Attorneys for USACM Liquidating Trust

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 6
UNITED STATES BANKRUPTCY COURT
 7
DISTRICT OF NEVADA

8 In re:

9 USA COMMERCIAL MORTGAGE
 10 COMPANY,

11 USA CAPITAL REALTY ADVISORS,
 12 LLC,

13 USA CAPITAL DIVERSIFIED TRUST
 14 DEED FUND, LLC,

15 USA CAPITAL FIRST TRUST DEED
 16 FUND, LLC,

17 USA SECURITIES, LLC, Debtors.

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
 BK-S-06-10725 LBR

**STATUS AND AGENDA FOR
 SEPTEMBER 28, 2007 HEARINGS**

Date of Hearing: September 28, 2007

Time of Hearing: 10:30 a.m.

1:30 p.m.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

10:30 a.m.

1. Adv. 06-01251-lbr, *USACM LIQUIDATING TRUST v. REALE et al, Order Rescheduling Pretrial and Trial. Pre-Trial Conference [DE 92]*

9/19/2007 Stipulation and Order Setting Pre-Trial Deadlines [DE 100]

9/_/2007 Joint Pretrial Statement

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1:30 p.m.

1. **Objection to Claim 10725-00390 of Caroline Gerwin in the amount of \$25,000.00 with Certificate of Service Objection of USACM Trust to Caroline Gerwin Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4430]**

5 Status: No opposition filed
6

7 2. **Objection to Claim 10725-01120; 10725-01121; 10725-01144 of Andrew and Beth Mitchell in the amount of \$59,732.50/\$17,915.50/\$17,915.50 with Certificate of Service Objection of USACM Trust to Andrew and Beth Mitchell Claims Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4432]**

10 Status: No opposition filed
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12 3. **Objection to Claim 10725-02005 of Harrison Family Trust in the amount of \$25,281.25 with Certificate of Service Objection of USACM Trust to Harrison Family Trust Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4434]**

16 Status: No opposition filed
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18 4. **Objection to Claim 10725-00967 of Mary McKennon in the amount of \$50,000.00 with Certificate of Service Objection of USACM Trust to Mary McKennon Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4436]**

21 Status: No opposition filed
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23 5. **Objection to Claim 10725-01469 of Robert Lange, through Bernard Lange in the amount of \$150,000.00 with Certificate of Service Partial Objection of USACM Trust to Robert Lange and Robert R. Lange Family Trust Claims to the Extent Filed in Wrong Debtor's Case and as Duplicative; Objection of FTDF to Proposed Allowance of Claim filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4438]**

26 Status: No opposition filed

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1 **6. Objection to Claim 10725-00558 of Nadine Morton in the amount of**
2 **\$16,882.42 with Certificate of Service *Objection of USACM Trust to Nadine Morton***
3 ***Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of***
4 ***Claim*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE
5 4440]

6 **Status:** No opposition filed. Nadine Morton has agreed to withdraw this
7 proof of claim, but is out of the country and may not return in
8 time to sign the stipulation prior to the hearing.

9 **7. Objection to Claim 10725-00108 of Kathleen J. Moore in the amount of**
10 **\$21,523.00 with Certificate of Service *Objection of USACM Trust to Kathleen Moore***
11 ***Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of***
12 ***Claim*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE
13 4442]

14 **Status:** No opposition filed

15 **8. Objection to Claim 10725-01384 of Victor Maus in the amount of**
16 **\$11,518.50 with Certificate of Service *Objection of USACM Trust to Victor Maus***
17 ***Claims Filed in Wrong Debtor's Case; Objection of FTDF to Duplicative Claim and***
18 ***Proposed Allowance of Claim*** filed by ROB CHARLES on behalf of USACM
19 LIQUIDATING TRUST [DE 4450]

20 **Status:** No opposition filed

21 **9. Objection to Claim 10725-01074 of Dr. Dennis Campton in the amount**
22 **of \$145,600.87 with Certificate of Service *Objection of USACM Trust to Dr. Dennis***
23 ***Campton Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed***
24 ***Allowance of Claim*** filed by ROB CHARLES on behalf of USACM LIQUIDATING
25 TRUST [DE 4452]

26 **Status:** No opposition filed

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1 10. **Objection to Claim 10725-00012-1; 10725-00012-2; 10725-00013-1;**
 2 **10725-00013-2 of Frieda Moon fbo Sharon C. Van Ert in the amount of**
 3 **\$35,583.34/\$35,583.34/\$17,538.18/\$17,538.18 with Certificate of Service *Objection of***
 4 ***USACM Trust to Frieda Moon fbo Sharon C. Van Ert Claims Filed in Wrong Debtor's***
Case; Objection of FTDF to Claims as Duplicative of Claims Previously Disallowed and
Reclassified as Equity Interests in Corrected Amounts filed by ROB CHARLES on
 behalf of USACM LIQUIDATING TRUST [DE 4454]

5 **Status:** No opposition filed
 6

7 11. **Objection to Claim 10725-00098-1; 10725-00098-3 of Robert and**
 8 **Beverley Carollo in the amount of \$100,000+/\$196,094.65 with Certificate of Service**
 9 ***Partial Objection to USACM Trust to Robert and Beverley Carollo Claim Filed in***
Wrong Debtor's Case; Objection of FTDF to Claim as Duplicative of Claim Previously
 10 ***Disallowed in FTDF Case; and Objection of DTDF to Claim as Duplicative of Claim***
Previously Disallowed in DTDF Case filed by ROB CHARLES on behalf of USACM
 LIQUIDATING TRUST [DE 4456]

11 **Status:** A stipulation for withdrawal of the duplicate claims and
 12 allowance of claimants' equity interest in DTDF is being
 13 circulated.

14 12. **Motion to Close Case And Request For Final Decree** Filed by LENARD
 15 E. SCHWARTZER on behalf of USA CAPITAL FIRST TRUST DEED FUND, LLC [DE
 16 4242]

17 **Response Filed:** Response Filed by SHLOMO S. SHERMAN on behalf of
 18 OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
 19 OF USA CAPITAL FIRST TRUST DEED FUND, LLC [DE
 4493]

20 **Reply Filed:** Reply in Support of Motion to Close Case and Request For Final
 21 Decree Filed by JEANETTE E. MCPHERSON on behalf of USA
 22 CAPITAL FIRST TRUST DEED FUND, LLC [DE 4611]

23 **Status:** Hearing was continued from August 23, 2007
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1 13. **Motion to Classify Claim *USACM Liquidating Trust's Motion to Classify***
2 ***Claims Filed by Pecos Professional Park Limited Partnership in Plan of Class A-7, and***
3 ***Reservation of Counterclaims and Objections*** Filed by ROB CHARLES on behalf of
4 USACM LIQUIDATING TRUST [DE 3081]

5 **Opposition Filed:** Opposition Filed by JEFFREY R. SYLVESTER on behalf of
6 4/19/2007 PECOS PROFESSIONAL PARK, LLC [DE 3494]

7 **Related Filings:** Declaration Of: Edward M. Burr *in Support of USACM*
8 3/13/2007 *Liquidating Trust Objections to Proofs of Claim and Motions to*
9 *Classify Claims* Filed by ROB CHARLES on behalf of USACM
10 LIQUIDATING TRUST [DE 3082]

11 **Status:** It is unclear whether Pecos Professional Park Limited Partnership
12 is still represented by counsel or who the decision maker is now.

13 14. **Motion to Extend Time to Object *Motion to Bridge Deadline to File***
14 ***Objection to Allowance of Claims*** Filed by ROB CHARLES on behalf of USACM
15 LIQUIDATING TRUST [DE 4404]

16 **Related Filing:** Order Granting Motion to Bridge Deadline to File Objection to
17 8/24/2007 Allowance of Claims [DE 4625]. This order extended the
18 deadline to October 15, 2007

19 **Status:** No opposition filed.

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1 15. Adv. 06-01256-lbr, USA COMMERCIAL MORTGAGE COMPANY et al
 2 v. REALE et al, ***Motion to Strike Jury Demand; Memorandum of Points and Authorities***
 3 Filed by ANNE M. LORADITCH on behalf of OFFICIAL COMMITTEE OF EQUITY
 SECURITY HOLDERS OF USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC
 [DE 274]

4 **Opposition Filed:** Opposition *TO PLAINTIFF USA CAPITAL DIVERSIFIED*
 5 *TRUST DEED FUND, LLC'S MOTION TO STRIKE JURY*
DEMAND Filed by PETER W. GUYON on behalf of BOB
 6 ALUM, FRANK J. BELMONTE, JR., JEAN JACQUES
 BERTHELOT, GARY BRENNAN, WILLIAM F ERRINGTON,
 7 HARV GASTALDI, GREAT WHITE INVESTMENTS, NV,
 INC., VINCENT GREEN, JAYEM FAMILY LTD
 PARTNERSHIP, AIMEE KEARNS, KLAUS KOPF, ARLENE
 8 KRAUS, BERNARD KRAUS, JOSEPH B. LAFAYETTE,
 JASON G LANDESS, SVEN LEVIN, JACQUES M. MASSA,
 Betty Phenix, R&N REAL ESTATE INVESTMENTS, R.G.T.
 9 MILLER (TRUSTEE), DENNIS F. SIPIORSKI, DAVID
 STIBOR, KENNETH TRECHT, ROBERT J. VERCHOTA,
 10 STEVE WALTERS, RUSSELL J. ZUARDO [DE 323]

11 **Joinder Filed:** Joinder with Certificate of Service Filed by CRAIG ORROCK
 12 5/23/2007 [DE 332]

13 **Reply Filed:** Reply *in Support of Motion to Strike Jury Demand* Filed by
 14 ANNE M. LORADITCH on behalf of USA CAPITAL
 15 DIVERSIFIED TRUST DEED FUND, LLC [DE 341]

16 **Related Filings:** Ex Parte Motion for Order Shortening Time *for Motion to Strike*
 17 *Jury Demand; Memorandum of Points and Authorities* Filed by
 18 ANNE M. LORADITCH on behalf of USA CAPITAL
 19 DIVERSIFIED TRUST DEED FUND, LLC [DE 275]

20 5/15/2007 Order Granting Ex Parte Application for Order Shortening Time
 21 for Hearing on Motion to Strike Jury Demand [DE 290]

22 9/21/2007 Notice of Individuals Not Subject to Settlement Agreement [DE
 23 223 in HMA Sales, LLC]

24 16. **Objection to Claim 10725-02348, 10725-02351 of Teri L. Melvin in the**
amount of \$97,670.00/\$49,561.13 with Certificate of Service filed by ROB CHARLES
 25 on behalf of USACM LIQUIDATING TRUST [DE 4582]

26 **Status:** No opposition filed

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1 **17. Objection to Claim 10725-02395 of Tony Suarez in the amount of**
 2 **\$24,571.96 with Certificate of Service filed by ROB CHARLES on behalf of USACM**
 2 **LIQUIDATING TRUST [DE 4584]**

3 **Status:** No opposition filed
 4

5 **18. Objection to Claim 10725-02463 of Pedro L. and Carol A. Barroso**
 6 **Trust dated 11/29/90 in the amount of \$41,569.41 with Certificate of Service filed by**
 6 **ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4586]**

7 **Status:** No opposition filed
 8

9 **19. Objection to Claim 10725-2465 of Malcolm Jr. and Joan B. Telloian in**
 10 **the amount of \$26,146.38 with Certificate of Service filed by ROB CHARLES on**
 10 **behalf of USACM LIQUIDATING TRUST [DE 4588]**

11 **Status:** No opposition filed
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13 **20. Thirty Fourth Omnibus Objection of the USACM Liquidating Trust to**
 14 **Claims Asserting Secured Status filed by ROB CHARLES on behalf of USACM**
 14 **LIQUIDATING TRUST [DE 4613]**

15 **Status:** No opposition filed
 16

17 **21. Thirty-Fifth Omnibus Objection of the USACM Liquidating Trust to**
 18 **Claims Asserting Secured Status filed by ROB CHARLES on behalf of USACM**
 18 **LIQUIDATING TRUST [DE 4615]**

19 **Related Filing:** *Stipulation re Proof of Claim of Musso Living Trust Listed in*
 20 *Thirty-Fifth Omnibus Objection to Proofs of Claim Filed as*
 21 *Secured* filed by Rob Charles on behalf of USACM Liquidating
 21 Trust [DE 4817]

22 **9/20/2007** Order Approving Stipulation and Sustaining Thirty-Fifth Omnibus
 23 Objection to Proof of Claim filed by Musso Living Trust [DE
 23 4818]

24 **Status:** No opposition filed except for Musso Living Trust, which has
 25 been resolved by stipulation.
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1 **22. Motion for Order to Show Cause *Why DR. LUCIUS BLANCHARD*
 2 *Should Not Be Held In Contempt of Court* Filed by ERIC D MADDEN on behalf of
 3 USACM LIQUIDATING TRUST [DE 4621]**

4 **Related Filings:** Declaration Of: Eric D. Madden Filed by ERIC D MADDEN on
 5 behalf of USACM LIQUIDATING TRUST [DE 4622]
 6 9/21/2007 Opposition to Liquidating Trust's Application For Order to Show
 7 Cause Why Dr. Lucius Blanchard Should Not Be Held in
 8 Contempt of Court and Countermotion for a Protective Order [DE
 9 4839]
 10 9/26/2007 Notice of Withdrawal of Motion to Show Cause Why Dr. Lucius
 11 Blanchard Should Not be held in Contempt of Court and Request
 12 to Vacate Hearing [DE 4884]

13 **Status:** The motion has been withdrawn.

14 **23. Motion to Approve Stipulated Judgment and/or Order *Motion to
 15 Approve Amended Stipulated Protective Order* Filed by ERIC D. MADDEN on behalf
 16 of USACM LIQUIDATING TRUST [DE 4624]**

17 **Status:** No opposition filed. A revised version of the Amended Stipulated
 18 Protective order, as approved by movants and Joseph D.
 19 Milanowski, was uploaded on 9/20/07.

20 **24. Partial Objection to Claim 10725-00010 of Arlene Cronk in the amount
 21 of \$272,206.96 with Certificate of Service *Filed in Wrong Debtor's Case; Objection of
 22 FTDF to Proposed Allowance of Claim; and Objection of DTDF to Proposed Allowance
 23 of Claim* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE
 24 4643]**

25 **Status:** No opposition filed

26 **25. Partial Objection to Claim 10725-00627 of Mark Daniel Donnolo in the
 27 amount of \$600,000.00 with Certificate of Service *Filed in Wrong Debtor's Case;
 28 Objection of FTDF to Proposed Allowance of Claim and Objection of DTDF to
 29 Proposed Allowance of Claim* filed by ROB CHARLES on behalf of USACM
 30 LIQUIDATING TRUST [DE 4645]**

31 **Status:** No opposition filed

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1 **26. Objection to Claim 10725-02464 of Labossiere Family Trust Dated**
 2 **3/20/1987, Gerard and Lucille Labossiere Trustees in the amount of \$1,500.00 and**
 3 **Proposed Allowance of Claim 10725-00219 as Informal Proof of Claim filed by**
 4 **SHLOMO S. SHERMAN on behalf of OFFICIAL COMMITTEE OF EQUITY**
 5 **SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC [DE**
 6 **4647]**

5 **Opposition Filed:** Opposition filed by Gerard and Lucille Labossiere [DE 4724]
 6 9/07/2007

7 **9/25/07** Stipulation re Allowance of Informal Proof of Claim and
 8 Withdrawal of Duplicate Claim filed by Official Committee of
 9 Equity Security Holders of USA Capital First Trust Deed Fund
 10 [DE 4883]

11 **Status:** Resolved by stipulation.

12 **27. Motion to Extend Time to Object Motion to Further Extend Deadline to**
 13 **File Objection to Allowance of Claims With Certificate Of Service** filed by ROB
 14 CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4670]

15 **Related Filings:** Declaration Of: Edward M. Burr in Support of Motion to Further
 16 Extend Deadline to Object to Allowance of Claims Filed by ROB
 17 CHARLES on behalf of USACM LIQUIDATING TRUST [DE
 18 4671]

19 9/25/2007 Notice of Posting to Website [DE 4882]

20 **Status:** No opposition filed.

21 DATED: September 26, 2007.

22 **LEWIS AND ROCA LLP**

23 By: /s/ Rob Charles (#6593)

24 Susan M. Freeman, AZ 4199 (*pro hac vice*)

25 Rob Charles, NV 6593

26 Counsel for USACM Liquidating Trust